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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,875	09/29/2003	Elmar Dörner	13909-114001 / 2003P00657	7314
32864 7590 07/16/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BELANI, KISHIN G	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,875	<b>Applicant(s)</b> DORNER ET AL.	
	<b>Examiner</b> Kishin G. Belani	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :05/09/2005, 03/30/2005, 12/06/2004, 06/14/2004, 05/10/2004, 03/19/2004 .

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements submitted on 05-09-2005, 03/30/2005, 12/06/2004, 06/14/2004, 05/10/2004, and 03/19/2004 have been considered by the Examiner and made of record in the application file.

### ***Specification***

The disclosure is objected to because of the following informalities:

In paragraph 0012, line 8, delete text "configured to"

In paragraph 0037, line 17, change "form the CBM" to – from the CBM –

In paragraph 0038, lines 2 and 9, change "onto" to – into –

In paragraph 0041, last line, change "CBM network 20" to – CBM network  
120 –

In paragraph 0043, line 12, change "delivered subscribing" to – delivered  
to those subscribing –

Appropriate correction is required.

### ***Claim Objections***

Claims 23 and 24 are objected to because of the following informalities:  
In claim 23, insert – wherein – after "claim 22 ". In claim 24, insert – wherein –  
after "claim 18 ".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-33** are rejected under 35 U.S.C. 102(e) as being anticipated by **Digate et al. (U.S. Patent Publication # 7,184,524 B2)**.

Consider **claim 1**, Digate et al. show and disclose a method comprising: subscribing to a status for one or more conference system users of a content based messaging (CBM) network (Fig. 3, "Distribute the lifeline" block 47; column 6, lines 45-67 and column 7, lines 1-5 that disclose a contact list (lifeline) named "product\_A\_tech" of one or more conference system users being formed for providing technical expertise to the members of a sales group; the lifeline being distributed to the members (subscribers to the status of the lifeline members) of the sales group; Fig. 1; column 4, lines 66-67 and column 5, lines 1-11 provide an introductory background to the same invention; Fig. 9, "If (Condition)" column 174 that discloses use of camera, video, phone, etc. for device availability, thereby indicating content based messaging);

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receiving messages including the status of the one or more conference system users corresponding to the subscription from the CBM network (column 6, lines 60-65 that disclose status (in the form of lifeline) of the one or more conference system users being distributed to the subscribers of the CBM network; Fig. 8 that shows subscribers (IM clients) receiving messages from IM Servers 160 and 162 and Real-time messaging server 14); and

presenting the status of the one or more conference system users (column 6, lines 60-65 which disclose that status (in the form of lifeline) of the one or more conference system users is displayed to the subscribers).

Consider **claim 2**, and **as it applies to claim 1 above**, Digate et al. show and disclose a method wherein presenting the status includes presenting the status that a user is offline (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is offline), which may then be presented as a displayed list).

Consider **claim 3**, and **as it applies to claim 1 above**, Digate et al. show and disclose a method wherein presenting the status includes presenting the status that a user is online and not engaged in a conference (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is online), which may then be presented as a displayed list).

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Consider **claim 4**, and **as it applies to claim 1 above**, Digate et al. show and disclose a method wherein presenting the status includes presenting the status that a user is online and engaged in a conference (column 11, lines 37-42 that disclose additional user actions which imply that a user is online and engaged in a conference, such as making a presentation).

Consider **claim 5**, and **as it applies to claim 1 above**, Digate et al. show and disclose a method wherein presenting the status includes providing an indication of the status associated with a user identifier in a contact list (column 6, lines 40-65 that disclose a contact list of users and their status being presented as a list named "product\_A\_tech" lifeline).

Consider **claim 6**, and **as it applies to claim 5 above**, Digate et al. show and disclose a method further comprising inviting a user to engage in a conference by selecting the user identifier in the contact list (column 6, lines 65-67 and column 7, lines 1-5 that disclose a contact list user being invited to a conference by a sales person).

Consider **claim 7**, and **as it applies to claim 1 above**, Digate et al. show and disclose a method further comprising publishing a user status to the CBM network (Fig. 3, "Distribute the lifeline" block 47; column 6, lines 60-65 that disclose a contact list (lifeline) named "product\_A\_tech" of one or more

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conference system users being displayed on the CBM network for the benefit of subscribers).

Consider **claim 8**, and **as it applies to claim 7 above**, Digate et al. show and disclose a method wherein publishing the user status includes publishing that the user is offline (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is offline), which may then be published as a lifeline list).

Consider **claim 9**, and **as it applies to claim 7 above**, Digate et al. show and disclose a method wherein publishing the user status includes publishing that the user is online and not engaged in a conference (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is online), which may then be presented as a displayed list).

Consider **claim 10**, and **as it applies to claim 7 above**, Digate et al. show and disclose a method wherein presenting the status includes presenting the status that a user is online and engaged in a conference (column 11, lines 37-42 that disclose additional user actions which imply that a user is online and engaged in a conference, such as making a presentation).



Consider **claim 11**, Digate et al. show and disclose a content based message network (System of Fig. 1 and various IM servers of Fig. 8 that provide content based messages, e.g. in Yahoo IM services) comprising:

an interface to receive subscriptions to a status for one or more conference system users of the content based messaging (CBM) network and to receive published information including the status of the one or more conference system users (Fig. 7, arrow marked "Presence & Request 116" that shows an interface to receive subscriptions to a status for one or more conference system users of the content based messaging (CBM) network, and arrow marked "Actions 114" to receive published information including the status of the one or more conference system users; column 9, lines 42-56 disclose the same details);

a processor to compute the subscriptions, to generate messages including the status for the one or more users, and to send the messages to client devices corresponding to the computed subscriptions (Fig.2, "Rules Engine 30"; column 5, lines 35-76; and Fig. 7, "Rules Engine 100"; column 9, lines 42-56 that describe the processor functions claimed above);

and an output to deliver the messages (Fig. 1, Real-time messaging server 14, communication server 18, and network 20 that together provide output to the clients; column 3, lines 53-65 that disclose the same details).

Consider **claim 12**, and **as it applies to claim 11 above**, Digate et al. disclose a system wherein the status indicates that a user is offline, online and not engaged in a conference, or online and engaged in a conference (column 11,

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lines 32-42 that disclose the events that can be monitored to determine the presence status of a user i.e. user is offline, online, or online and engaged in a conference (making a presentation)).

Consider **claim 13**, and **as it applies to claim 11 above**, Digate et al. show and disclose a system further comprising a user interface configured to generate one or more subscriptions to user status, to receive the delivered status messages, and to present the status of an associated user (column 7, lines 1-5 that disclose generate one or more subscriptions to user status (lifeline); column 7, lines 1-5 that disclose receiving the delivered status message; column 7, lines 1-5 that disclose presenting the status of an associated user; Table of Fig. 9 that lists events, conditions, and actions taken).

Consider **claim 14**, and **as it applies to claim 13 above**, Digate et al. disclose a system wherein the user interface is configured to generate a contact list, the contact list providing an indication of the status associated with a user identifier based on the delivered status messages (column 6, lines 40-65 that disclose a contact list of users and their status being presented as a list named "product\_A\_tech" lifeline).

Consider **claim 15**, and **as it applies to claim 13 above**, Digate et al. show and disclose a system wherein the user interface is configured to invite a user to engage in a conference by selecting the user identifier in the contact list

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(Fig. 4, step 58; column 8, lines 27-34 that disclose inviting a user to engage in a conference by selecting the user identifier in the contact list).

Consider **claim 16**, and **as it applies to claim 13 above**, Digate et al. show and disclose a system wherein the user interface is configured to publish a user status to the CBM network (Fig. 3, step 47; column 6, lines 64-67 and column 7 line 1, that disclose publishing a user status (lifeline) to the CBM network).

Consider **claim 17**, and **as it applies to claim 16 above**, Digate et al. disclose a system wherein the user status indicates that the user is offline, online and not engaged in a conference, or online and engaged in a conference (column 11, lines 32-42 that disclose the events that can be monitored to determine the presence status of a user, i.e. user is offline, online, or online and engaged in a conference (making a presentation)).

Consider **claim 18**, Digate et al. show and disclose a client device, comprising:  
an interface to receive messages from a content based messages (CBM) network including a status of one or more conference system users (Fig. 2, Real-Time Messaging Server 14 that provides an interface to receive messages from IM Clients 150 and 152, including a status of one or more conference system users; column 5, lines 47-67 that disclose the same details);

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a processor to subscribe to the status messages and process the status messages for presentation (Fig. 2, Rules Engine 30 that receives and updates Ephemeral Condition Data Cache 38, Event Notification 36, and Persistent Database 15 to subscribe to the status messages and process the status messages for presentation (shown as actions 40)); and

an interface to present the status of the one or more conference system users (Fig. 1, communication server 18 and network 20 that provide an interface to present the status of the one or more conference system users; column 3, lines 53-65 that disclose the same details).

Consider **claim 19**, and **as it applies to claim 18 above**, Digate et al. show and disclose a client device, wherein the interface is configured to present that a user is offline (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is offline)).

Consider **claim 20**, and **as it applies to claim 18 above**, Digate et al. show and disclose a client device, wherein the interface is configured to present that a user is online and not engaged in a conference (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is online)).

Consider **claim 21**, and **as it applies to claim 18 above**, Digate et al. show and disclose a client device, wherein the interface is configured to present

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that a user is online and engaged in a conference (column 11, lines 37-42 that disclose additional user actions which imply that a user is online and engaged in a conference, such as making a presentation).

Consider **claim 22**, and **as it applies to claim 18 above**, Digate et al. show and disclose a client device, wherein the user interface is configured to present a contact list and an indication of the status associated with a user identifier in the contact list (column 6, lines 40-65 that disclose a contact list of users and their status being presented as a list named "product\_A\_tech" lifeline).

Consider **claim 23**, and **as it applies to claim 22 above**, Digate et al. show and disclose a client device, wherein the processor is configured to invite a user to engage in a conference based on a selection of the user identifier in the contact list (column 6, lines 65-67 and column 7, lines 1-5 that disclose a contact list user being invited to a conference by a sales person).

Consider **claim 24**, and **as it applies to claim 18 above**, Digate et al. show and disclose a client device, wherein the processor is configured to publish a user status to the CBM network (Fig. 3, "Distribute the lifeline" block 47; column 6, lines 60-65 that disclose a contact list (lifeline) named "product\_A\_tech" of one or more conference system users being displayed on the CBM network for the benefit of subscribers).

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Consider **claim 25**, and **as it applies to claim 24 above**, Digate et al. show and disclose a client device, wherein the user status indicates that the user is offline (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is offline)).

Consider **claim 26**, and **as it applies to claim 24 above**, Digate et al. show and disclose a client device, wherein publishing the user status indicates that the user is online and not engaged in a conference (column 11, lines 32-37 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is online), which may then be presented as a displayed list).

Consider **claim 27**, and **as it applies to claim 24 above**, Digate et al. show and disclose a client device, wherein publishing the user status indicates that the user is online and engaged in a conference (column 11, lines 37-42 that disclose additional user actions which imply that a user is online and engaged in a conference, such as making a presentation).

Consider **claim 28**, Digate et al. show and disclose a computer program product comprising instructions to cause a processor to:  
subscribe to a status for one or more conference system users of a content based messaging (CBM) network (Claim 13 that claims computer program code for the disclosed invention; Fig. 3, "Distribute the lifeline" block 47; column 6, lines 45-67 and column 7, lines 1-5 that disclose a contact list (lifeline) named

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“product\_A\_tech” of one or more conference system users being formed for providing technical expertise to the members of a sales group; the lifeline being distributed to the members (subscribers to the status of the lifeline members) of the sales group; Fig. 1; column 4, lines 66-67 and column 5, lines 1-11 provide an introductory background to the same invention; Fig. 9, “If (Condition)” column 174 that discloses use of camera, video, phone, etc. for device availability, thereby indicating content based messaging);

receive messages including the status of the one or more conference system users corresponding to the subscription from the CBM network (column 6, lines 60-65 that disclose status (in the form of lifeline) of the one or more conference system users being distributed to the subscribers of the CBM network; Fig. 8 that shows subscribers (IM clients) receiving messages from IM Servers 160 and 162 and Real-time messaging server 14); and

present the status of the one or more conference system users (column 6, lines 60-65 which disclose that status (in the form of lifeline) of the one or more conference system users is displayed to the subscribers).

Consider **claim 29**, and **as it applies to claim 28 above**, Digate et al. show and disclose a computer program product wherein the instructions present the status that a user is offline, online and engaged in a conference, or online and not engaged in a conference (column 11, lines 32-42 that disclose the events that can be monitored to determine the presence status of a user (i.e.

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user is offline, online and not engaged in a conference, or online and engaged in a conference, such as making a presentation).

Consider **claim 30**, and **as it applies to claim 28 above**, Digate et al. show and disclose a computer program product further comprising instructions to cause a processor to present in a contact list an indication of the status associated with a user identifier (column 6, lines 40-65 that disclose a contact list of users and their status being presented as a list named "product\_A\_tech" lifeline).

Consider **claim 31**, and **as it applies to claim 30 above**, Digate et al. show and disclose a computer program product further comprising instructions to cause a processor to invite a user to engage in a conference based on selection of the user identifier in the contact list (column 6, lines 65-67 and column 7, lines 1-5 that disclose a contact list user being invited to a conference by a sales person).

Consider **claim 32**, and **as it applies to claim 28 above**, Digate et al. show and disclose a computer program product further comprising instructions to cause a processor to publish a user status to the CBM network (Fig. 3, "Distribute the lifeline" block 47; column 6, lines 60-65 that disclose a contact list (lifeline) named "product\_A\_tech" of one or more conference system users being displayed on the CBM network for the benefit of subscribers).



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Consider **claim 33**, and **as it applies to claim 32 above**, Digate et al. disclose a computer program product wherein the user status indicates that the user is offline, online and engaged in a conference, or online and not engaged in a conference (column 11, lines 32-42 that disclose the events that can be monitored to determine the presence status of a user (i.e. user is offline, online and not engaged in a conference, online and engaged in a conference, such as making a presentation)).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Publication # 5,617,539, inventor: Ludwig et al., filed  
06/07/1996

US Patent Application Publication # 2004/0122906 A1, inventor: Goodman  
et al., filed 12/10/2003

US Patent Application Publication # 2003/0014491 A1, inventor: Horvitz et  
al., filed 06/28/2001

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Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

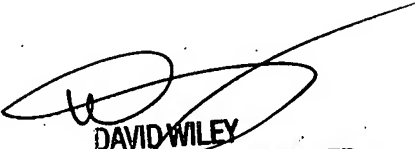
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

*Kishin G. Belani*

K.G.B./kgb

June 29, 2007



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100